

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ANGEL VICENTE MARTIN
GUDIEL,

Defendant.

2:18-CR-148-JCM-NJK

Preliminary Order of Forfeiture

This Court finds Luis Angel Vicente Martin Gudiel pled guilty to Counts Three and Four of a Four-Count Criminal Indictment charging him in Count Three with transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(1) and in Count Four with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Criminal Indictment, ECF No. 17; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Luis Angel Vicente Martin Gudiel agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 17; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and 32.2(b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offenses to which Luis Angel Vicente Martin Gudiel pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such

1 visual depiction, which was produced, transported, mailed, shipped or received in violation
2 of 18 U.S.C. § 2252A(a)(1) and 2252A(a)(5)(B) and (2) any property, real or personal, used
3 or intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(1)
4 and 2252A(a)(5)(B) or any property traceable to such property, and is subject to forfeiture
5 pursuant to 18 U.S.C. § 2253(a)(1) and 2253(a)(3): iPhone Cell Phone, Model: A1778
6 Bearing IMEI 356559089563618 (property).

7 This Court finds that the United States of America may amend this order at any time
8 to add subsequently located property or substitute property to the forfeiture order pursuant
9 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

10 This Court finds the United States of America is now entitled to, and should, reduce
11 the aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
13 DECREED that the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
15 rights, ownership rights, and all rights, titles, and interests of Luis Angel Vicente Martin
16 Gudiel in the aforementioned property are forfeited and are vested in the United States of
17 America and shall be safely held by the United States of America until further order of the
18 Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
20 of America shall publish for at least thirty (30) consecutive days on the official internet
21 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
22 describe the forfeited property, state the time under the applicable statute when a petition
23 contesting the forfeiture must be filed, and state the name and contact information for the
24 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
25 and 21 U.S.C. § 853(n)(2).

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
27 or entity who claims an interest in the aforementioned property must file a petition for a
28 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which

petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

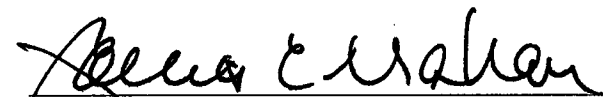
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
James A. Blum
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED June 4, 2019.


HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE